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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,385	12/26/2001	Michael Wagner	112740-319	3783

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EXAMINER

KOROBOV, VITALI A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,385

Applicant(s)

WAGNER, MICHAEL

Examiner

Vitali Korobov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 7 – 11 are presented for examination.

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:

- a. Information Disclosure Statements as received on 05/27/2003 is considered.

Drawings

3. The drawings are objected to because of the following informalities.
The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed instances, such as "first instance", "first process", "further process" and other items claimed must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: Page 4, line 24, page 5, line 24, page 6, lines 28 – 29. etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 7, line 13 the term "it" renders the claim indefinite because it is unclear to the Examiner what the term "it" refers to.

All dependent claims are rejected to as having the same deficiencies as the claims they depend from.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7 - 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5802367 by Held et al. (hereinafter Held).

With respect to claim 7, Held teaches a method for transmitting messages between a client instance assigned to a first process and at least one server instance assigned to a further process within a distributed system, the method comprising the steps of: receiving a message directed from the client instance to the at least one server instance (Fig. 3, client program 301; Col. 6, lines 53 - 56); selecting, via a first instance containing the first process, from partner instances provided as mutual communications partners, at least one suitable further instance, containing the further process, of the partner instances for receiving and passing on of messages via an allocation table between a type of messages which can be output by the client instance (Col. 6, lines 56 - 61) and an address of the further instance which contains at least one further process (Col. 6, lines 62 – 66); passing on a message, via the respective further instance, to at least one server instance addressed by it (Col. 6, lines 64 – 66); and receiving, if appropriate, and at the respective further instance, from the at least one server instance a message to be passed on to the client instance via the first instance containing the first process (Col. 6, lines 64 – 66).

With respect to claim 8, Held teaches a method for transmitting messages as claimed in claim 7, the method further comprising the step of: modifying dynamically the selection made by the first instance containing the first process as a function of a system load factor (Col. 11, lines 3 – 8).

With respect to claim 9, Held teaches a method for transmitting messages as claimed in claim 7, the method further comprising the step of: combining in one instance the first instance containing the first process and the further instance containing the at least one further process if the first process and the at least one further process coincide (Col. 6, lines 25 - 34).

With respect to claim 10, Held teaches a method for transmitting messages as claimed in claim 7, wherein all of the instances are objects whose structure is defined by object classes. (Col. 2, lines 13 – 15, 27 - 31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Held, and further in view of U. S. Patent No. 6263485 B1 by Schofield, Andrew (hereinafter Schofield).

With respect to claim 11, Held teaches a method for transmitting messages as claimed in claim 7, but does not explicitly teach additional limitation of claim 11 wherein the method is applied to a telephone switching system. Schofield teaches the additional limitation of claim 11 wherein the method is applied to a telephone switching system. (Col.5, lines 19 – 22, lines 65 – 67). Schofield and Held are analogous art because they are both related to interfacing of object-oriented process instances. Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the the teachings of Held with the teachings of Schofield in order to enable the creation of generic functions for transporting object calls across heterogeneous systems. (Schofield, col. 4, lines 5 – 11)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

U. S. Patent No. 6263485 B1 by Schofield, Andrew. The patent is considered pertinent to the applicant disclosure because it teaches a method for defining Interface Definition Language-defined data types, operations, or interfaces

U.S. Patent No. US 6298352 B1 by Kannan; Sivaramakrishna et al. The patent is considered pertinent to the applicant disclosure because it teaches a COBRA-based

distributed object interface for an apparatus and method for managing telephone number sources.

U.S. Patent No. US 5923879 A by Sasmazel; Levent M. et al. The patent is considered pertinent to the applicant disclosure because it teaches a conversion system and method between corba and c/c++ architectures for COBRA data pairs/couples.

U.S. Patent No. US 6334219 B1 by Hill; Terrance J. et al. The patent is considered pertinent to the applicant disclosure because it teaches a method for monitoring at least one telephony communication n-bit channel, wherein one of the bits is a parity bit, includes sampling the parity bit of the n-bit channel.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Vitali Korobov
Examiner
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VAK
03/18/2005


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER